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# PARLIAMENTS

AND

# POLITICS

*A Study in the Machinery of  
Democratic Government*

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the University of Oxford*

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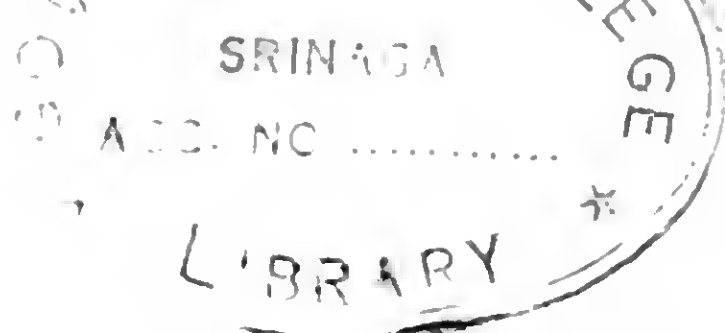
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# 1

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## INTRODUCTION

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**Does it matter what form of government we have?**

Tom Paine wrote these words in his *Principles of Government* in 1795 : “ There is no subject more interesting to every man than the subject of government. His security, be he rich or poor, and, in a great measure, his prosperity, is connected therewith ; it is therefore his interest, as well as his duty, to make himself acquainted with its principles, and what the practice ought to be.” These words are still true. In our time systems of government are as much under fire as they were during the French Revolution of Tom Paine’s time. People in Britain do not usually take much interest in political institutions. Indeed they are often inclined to think or to say that forms of government don’t matter very much. It is only when, as now, a powerful and competitive system of political institutions looms large and threatening in Europe—the Russian Soviet system—that we feel obliged to consider these matters, and to begin in the first place with some consideration of our own political institutions.

We may be certain that, whatever people may think or say, a country’s political institutions are of the first importance to it. Perhaps that is because they are really the skeleton of society, the firm framework which holds the body together and determines its shape, gives it order and structure. It could do nothing without them. At the same time it is fair to admit that the study of political institutions, like the study of skeletons, can be rather dry and dull, and that in any case it cannot be rightly undertaken unless it is remembered that only a part, and perhaps not the most attractive part, of the body of society is being considered.

**What is a political institution ?**

But perhaps one should try to say, right at the beginning, what a political institution is. People find it easier usually to give

examples than to define. Most of us would regard the House of Commons, the Cabinet, and the political parties as examples of political institutions. We contrast them with such things as the stock exchange, or the joint stock company, or the banks, which we would call economic institutions ; or the bishops, the Church Assembly, or the parochial Church Councils, which are religious institutions. Roughly speaking, any institution which appeared to have as its primary or predominant purpose the production or distribution or exchange of wealth, we would call an economic institution ; any which concerned the promotion or regulation or conduct of worship we would call a religious institution. These are very rough definitions indeed. Few experts would agree with them. But they help to get us used to the idea of institutions.

What is the distinguishing characteristic, then, of a political institution ? Here the definition will be even rougher and less acceptable. Let us start with a simple example. The most familiar political institution to people in Britain today is the queue. Its object is to provide order and regulation. That is the essence of political action. No matter whether the crowd is attempting to enter a church or a cinema or a shop or a public house, whether its ultimate purpose is religious or æsthetic or cultural or economic, the queue performs a common function in all cases, the political function of providing order.

### **Political institutions are not always part of the State**

Now it is a good idea to start with the queue as an example of a political institution, because it emphasizes two things at least which it is important to recognize about political institutions and government. The first is that political institutions are not necessarily part of the State, nor do they necessarily owe their existence to the State. A queue is a natural product of society, it is a political institution which is formed by society. It is true that in some cases we are obliged by law to form a queue at a bus stop. But most of the queues we stand in these days are the result of our own planning. We create them and we preserve and maintain them ourselves. We recognize their necessity, and we know that no law could really make them more obligatory nor could any statute enforce them more than public opinion does at present. This is a fact about political institutions which Tom Paine also understood very well and expressed in his terse way thus in his book *The Rights of Man* : " Great part of that order which reigns among mankind is not the effect of government. It has its origin in the principles of society and the

natural constitution of man.” It is good for us to remember this, although most of our space in this book will be devoted to studying political institutions which are part of the State or are created by it.

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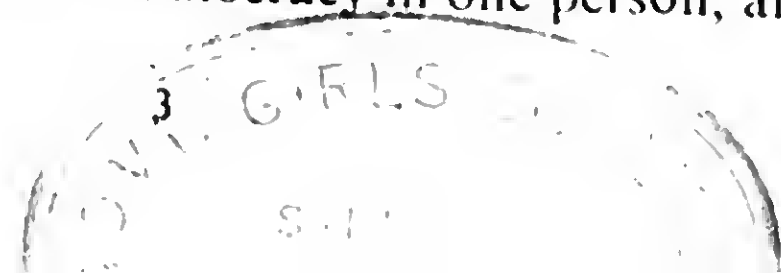
### The purpose of political institutions

The second point about political institutions which the example of the queue illustrates is that they are not ends in themselves ; they exist to serve other objects. A queue is formed not for its own sake nor for the fun of it—it is said that some people have come to regard standing in queues as an activity or a vocation valuable for its own sake, but such cases must be rare—but in order to achieve something else. It is not order for its own sake which the queue provides, but order so that people may achieve certain economic or religious or cultural objects which they desire. Political institutions should always be regarded as means to ends, not as ends in themselves. They provide that basis of order without which all or almost all the other things which people want in life could not be attained. They are to be judged by the extent to which they provide that sort of order, and they justify their existence accordingly. It is fairly easy to understand this point when we think of such rudimentary political institutions as queues : it is important to remember it also when we think of more complicated and exalted institutions like parliaments and Cabinets, Congresses and Presidents, parties, commissars and bureaucracies.

### Some common distinctions

If we are asked, then, what political institutions are for, we can say that, from the simple queue in England to the complex web of federal government in the United States, they exist to provide a system of order within which people can live their lives. But there are many ways in which political institutions may be organized and arranged, and history shows examples of different forms of government which illustrate this variety. Students before and since Aristotle have made attempts to classify these forms of government, and it is worth while just to mention some of the categories they have adopted.

Among the oldest distinctions are those between oligarchy, aristocracy, autocracy and democracy. Under an **oligarchy** the supreme powers of government are vested in a few people, under an **aristocracy** in a privileged class (aristocracy is often a particular example of oligarchy), under an **autocracy** in one person, and under





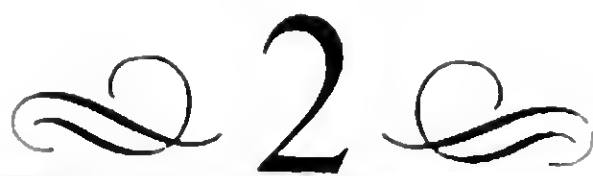
a democracy in the whole body of the citizens. Of course, to say that the supreme powers of government are vested in people does not mean that they actually perform all the functions of government themselves ; it means only that they authorize all acts of government. Thus, under an oligarchy, an aristocracy, and even more an autocracy, there may be many people engaged in the work of government, though supreme power rests with a few or with one. And under a democracy, by contrast, while supreme power is with the whole body of citizens, a smaller body actually performs the functions of government as a rule. If we had to try to give examples of these forms of government today, it would be possible to quote the United Kingdom, most of the Dominions, the Scandinavian countries, and the United States, say, as examples of a democracy. It is more difficult to think of examples of the other forms. Perhaps South Africa, where supreme authority is confided only to the European citizens of the Union, might be considered an oligarchy ; if we in this country had no House of Commons and the House of Lords was our single chamber, we might be called an aristocracy : while, as to autocracy, Germany under Hitler is probably the best example.

### Difficulties of classification

Yet these classifications seem rather barren. They do not tell us very much about the forms of government they classify. Nowhere is this better illustrated, however, than in the use of the term '**monarchy**'. Monarchy had originally the same meaning as autocracy—under monarchy there is single rule by one person alone, under autocracy there is self-sustained, self-sufficient rule. But nowadays we think of monarchy as synonymous with kingship, and monarchy is any form of government which has a King at the head of it. It includes the United Kingdom and the Scandinavian countries, which we call 'limited' or 'constitutional' monarchies, to indicate that the King exercises his powers in accordance with certain limiting rules, the result of which in these cases is that he acts in accordance with the advice of Ministers who have the confidence of an elected legislature. Monarchy of this sort becomes an example of democracy. But equally we used to describe Bulgaria with its King, Persia with its Shah, and Austria-Hungary with its Emperor-King, as monarchies, though it was usual to add that they were 'absolute' monarchies. If the term 'monarchy' tells us very little nowadays about a form of government, the term '**republic**' does little more. It amounts nowadays to saying that a country

has no King; it has instead, as a rule, a President. So the United States, the U.S.S.R., China, Finland, France and Italy are all republics, and so also are the states of Central and South America. A more heterogeneous collection of governments would be difficult to imagine.

If we are to discover something about the political institutions of a country, therefore, we have to pass beyond these rather formal classifications and consider the organization of government itself. Not that the classifications are completely useless. The distinction between monarchy and republic tells us something, though not much; the distinction between autocracy and oligarchy tells us rather more; the distinction between autocracy, oligarchy, aristocracy on one side and democracy on the other tells us a great deal. But, even here, we have still far to go, for a classification that puts together the United Kingdom and the United States, France and Eire, Holland and Belgium, Norway, Sweden and Denmark, New Zealand and Australia and Canada, leaves a lot more to be said.



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## THE DEMOCRATIC FORM OF GOVERNMENT

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### Some essential characteristics

The essential features of democracy have been discussed in another pamphlet in this series.<sup>1</sup> Here it is necessary to mention something about the political institutions that are appropriate to the democratic form of government. It is well to say at once that, although certain things are essential, many more are variable or optional. Thus, while it is essential in a democracy that some means should exist by which the whole body of the citizens may control the government, there is no one inevitable and unalterable pattern upon which this should be done. We shall see many illustrations of this principle as we proceed.

There are two or three essential political institutions in a democracy which deserve mention at once. The first is **universal suffrage** or something very close to it. Every adult citizen should be entitled to express his or her view either upon what the law ought to be or upon who the law-makers ought to be. In Switzerland certain laws are submitted to the people for their approval ; in some Swiss cantons the whole body of the citizens form the legislative body ; while in the United Kingdom, the United States, the Scandinavian countries and so on, the symbol of universal suffrage is the elected assembly or the House of Representatives, chosen by the citizens.

Next to universal suffrage comes **majority rule**. In democratic government it is agreed that the majority have the right to decide questions of policy, though there are limitations upon their powers, as will be seen. Thus in England the government is formed by the leader of the majority party in the House of Commons. In 1945,

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<sup>1</sup> *Democracy East and West*, by Barbara Ward. Background Handbook No. 2.

as soon as it became clear that Mr. Churchill's party was in a minority, he went at once to Buckingham Palace and resigned. He did not wait until the returns were complete ; he did not wait until the new House of Commons should meet and there formally defeat him. There was no argument about it. All sides in British politics accept majority rule. And in the United States also, the Presidency is an example of the majority principle, although it is not a majority in Congress but a majority in a different set of institutions—electoral colleges—which, as we shall see, is decisive there. Although majority rule has its weaknesses, it is none the less one of the essential institutions of the democratic form of government.

### **The real difference between democracy and dictatorship**

But it is time to utter a warning. Universal suffrage and majority rule may be essential to democracy, but they do not inevitably produce it and they do not, by themselves, mark it off from other forms of government. After all, a good deal of use was made of universal suffrage and majority rule in Nazi Germany and in Fascist Italy, and they are part of the Constitution of the U.S.S.R. Yet we cannot regard these systems as democratic, and our principal reason would be this. Our idea of democracy is that **opposition** to the government and the majority is not only permissible but also essential. Opposition with us is legal and constitutional. In Britain and in some of the Dominions we actually pay a salary to the Leader of the Opposition, to enable him to be free to perform his functions, and we call him in England the Leader of His Majesty's Opposition. He symbolizes the rights of the minority, while the Leader of His Majesty's Government symbolizes the rights of the majority. The third essential institution in democratic government is therefore organized opposition, and this carries with it the notion of **party government**. Through parties men organize themselves to undertake political action, to create majorities or to protect minorities. Their organization and their place in government vary a great deal from one democracy to another, but they are essential institutions in all. This is where democracy differs from **dictatorship**. There may be much voting and talking in dictatorships, but there is no place for an Opposition, not merely criticizing the actions of those who are conducting the government, but also planning to replace them. Those who plan to replace a dictator do not plan in the open, and if they are caught, they are punished as traitors. Moreover, there is but one party, if indeed the term 'party' is not a misnomer, for it suggests that there is more than one side to a question.

## **Democracy will not work under all conditions**

Though we may think that democratic institutions are more desirable than dictatorial institutions, it is well to emphasize at once that the conditions under which democratic government works satisfactorily are difficult to obtain and indeed are rarely found. After all, here in England, where we think of ourselves, quite rightly, as a good example of democratic government, the institutions which we think of as essential to democracy have not all existed for very long. Universal suffrage came only in 1928, and it is not much more than 100 years since the movement for extending the franchise began in 1832. It is true, on the other hand, that majority rule and constitutional opposition have existed for a longer period, but none the less in the seventeenth and eighteenth centuries it was still thought unpatriotic to oppose the King's government. Democratic government, as we take it for granted today in Britain, is a fairly recent thing. It has grown very slowly and it has kept pace to a large extent with the rise in the educational standard of the people. It is founded upon practices and customs extending over centuries, centuries in which the country has never been successfully invaded by foreign armies.

It is not easy to say shortly and with any confidence what are the conditions which are necessary before democratic government can be established. But it is quite clear that, in any community where the majority is unwilling to respect the rights of the minority or where, equally, a minority prefers to go to war rather than to accept the rule of the majority, democratic government is impossible. In many countries of Europe today these conditions exist or are in danger of existing—in France, in Eastern Europe, in Italy and in the U.S.S.R.—and it is clear that similar conditions exist in India.

## **Written and unwritten Constitutions**

It is sometimes said that an essential of democratic government is a **Constitution**, that is to say a written document which establishes the institutions of government, defines their powers, and, in the case of a democratic government, provides for universal suffrage and the protection of minorities. The fact is that almost all countries have a Constitution, and all democratic countries except the United Kingdom have one. The Constitutions of the democracies vary a great deal and in particular in the extent to which they establish or protect democratic government. Thus it is rare to find a Constitution establishing universal suffrage; that is usually regulated by an ordinary act of the legislature. In some cases, as



A suggested List of  
COUNTRIES WITH  
AN ESTABLISHED TRADITION OF  
PARLIAMENTARY  
SELF-GOVERNMENT



- |                    |                   |                  |                     |               |
|--------------------|-------------------|------------------|---------------------|---------------|
| 1. United Kingdom. | 5. New Zealand.   | 12. Switzerland. | 16. Finland.        | 20. Uruguay.  |
| 2. U.S.A.          | 6. South Africa   | 13. Denmark.     | 17. Czechoslovakia. | 21. Chile.    |
| 3. Canada.         | (Europeans only). | 14. Norway.      | 18. Iceland.        | 22. Colombia. |
| 4. Australia.      | 7. Eire.          | 15. Sweden.      | 19. Costa Rica.     | 23. Mexico.   |
|                    | 8. France.        |                  |                     |               |
|                    | 9. Belgium.       |                  |                     |               |
|                    | 10. Netherlands.  |                  |                     |               |
|                    | 11. Luxembourg.   |                  |                     |               |

in the United States or Eire, provisions are included to protect freedom of speech and freedom of association, but these rights are usually qualified by some such phrase as "except in so far as they may be restricted by law." Democracy is preserved in most cases, not by the Constitution alone, but by the ordinary law and by the political organization and capacity of the people. Nowhere is this more clearly illustrated than in the United Kingdom, where no single document known as a 'Constitution' exists, but where institutions have been established by Acts of Parliament or by other forms of law or by custom. Parliament could abolish all these liberties tomorrow if it chose, could establish a dictatorship, and could prolong its own life indefinitely, so far as the letter of the law is concerned. There is no Constitution or law to prevent it.

### **Should the powers of parliament be limited ?**

Democratic government can exist therefore without a Constitution, and, even where a Constitution exists, a good deal of what is essential both for the structure and maintenance of democratic institutions lies outside the Constitution. None the less it is practically speaking essential for a country which is starting its political life for the first time, or after a break, or if it wishes to make a break, to have a Constitution, setting out the principal institutions of government. But it is another question whether the Constitution should be made supreme over all the institutions which it establishes or recognizes. Are the powers of the legislature, in particular, to be limited, or are they to be supreme and unlimited ? It will depend upon what the framers of the Constitution have in view. Thus, when the American Constitution was drawn up, it was one of the primary objects of the founders to surrender certain limited powers only to the new union government and to keep the rest for the states. So it was necessary to limit the legislature of the union and the legislatures of the states to the matters intended for them, and this meant that the Constitution had to be supreme over the governments, including the legislatures. In Australia and Canada, for similar reasons, the Constitution is supreme over the governments. In Eire the framers of the Constitution of 1937 believed that there were certain matters upon which the legislature should not be permitted to make laws—divorce, for example. The Constitution limits the legislature in this way and is supreme over it. In South Africa, on the other hand, the parliament of the Union nowadays can alter the Constitution as it thinks fit : the Constitution has no higher status than any ordinary law.

# 3

## FEDERALISM, REGIONALISM AND LOCALISM

### The difference between unitary and federal government

Some of the essential institutions of democratic government and of dictatorship have been discussed. It has been indicated that considerable variety is none the less possible in the organization of democratic government, and a great deal of the rest of this pamphlet will be devoted to the discussion of these varieties of organization. These are the problems of political institutions which are of perennial interest to those who wish to improve the working of democracy.

One of the ways of classifying governments is by the extent to which power is decentralized, and the method by which this distribution is brought about. A broad distinction is made between federal and unitary governments. In a **unitary government** the powers of the government of the whole country are legally unlimited, and the powers of any local governments are limited by it and are subordinate to it. In a **federal government** the powers of government are divided between a general government for the whole country and regional governments for parts of the country, in such a way that both sets of governments are limited, usually by the Constitution, and neither is subordinate to the other. The United States of America, Canada, Australia, Switzerland, certain South American Republics (e.g., Brazil, Argentina and Venezuela), and Soviet Russia are, or profess in their Constitutions to be, federal governments. Most other governments would belong to the category of unitary states.

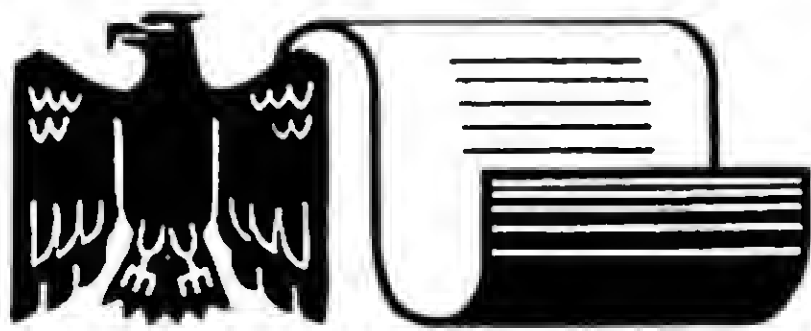
### Examples of regional government

But this classification into unitary and federal governments, like most of the classifications we have discussed so far, does not take us very far. Within this classification, and particularly within





# THE U.S.A.: A FEDERAL STATE



## THE CONSTITUTION

*defines powers of Federal Government : jurisdiction in all other matters is reserved to State Governments*



## ← THE SUPREME COURT →

*ensures that acts of Federal and State Governments are in conformity with the Constitution*

### FEDERAL GOVERNMENT



*Powers include :*

- Foreign Policy.
- Defence.
- Taxation.
- Foreign Trade.
- Inter-State Commerce.
- Coinage.
- Postal Services.

### 48 STATE GOVERNMENTS



### LOCAL AUTHORITIES

the unitary class, there are great differences in the degree and method of **decentralization** offered. In this respect the United Kingdom probably provides as rich a diversity as could be found in any unitary state. It is true that the parliament at Westminster has full legal power to make laws on any matter whatsoever for the United Kingdom. But in practice it permits and indeed provides for a great degree of decentralization both on the legislative and the administrative sides.

### *Northern Ireland*

In Northern Ireland there is a parliament of two houses, a Cabinet, a distinct set of administrative and judicial institutions; through these the people of Northern Ireland regulate their own affairs, leaving only matters of general concern like defence, foreign affairs, customs and tariffs and postal services to the Government of the United Kingdom, in the parliament of which they are represented by 13 members. This example of **regional government** exhibits a considerable decentralization of power, first instituted, it may be recalled, as an attempt to solve the problem of the demand for Home Rule for Ireland. It was proposed that Southern Ireland also should have a similar government of its own, and indeed Northern Ireland was only reluctantly persuaded to accept this system in the hope that it might be acceptable to the South and put an end to the agitation for self-government. As it turned out, the South was not content and it went on to achieve, not limited self-government, but complete self-government in the British Commonwealth as the Irish Free State, later to be called Eire.

### *Scotland*

After Northern Ireland, with its legislative, administrative and judicial '**devolution**' as it is called, there comes Scotland, with a large measure of administrative and judicial decentralization, but with no legislative autonomy for its 5 million people and its 30,500 square miles. Scotland has, like Northern Ireland and England and Wales, a system of local authorities, with peculiarities of its own, but the principal instrument of administrative decentralization in Scotland is the office of Secretary of State for Scotland, founded in 1926 and replacing a Secretaryship for Scotland which had been established in 1885 in response to many complaints from the Scots that their interests were being neglected or maladministered from a distance—complaints which have not disappeared yet. What in effect happens, through the Scottish Office, is that matters which

would be administered in England by the Ministry of Agriculture and Fisheries, the Ministry of Health, the Ministry of Education and the Home Office, are administered for Scotland under the control of the Secretary of State for Scotland, through special departments organized in his office. Under the Secretary of State there are the Department of Agriculture for Scotland, the Department of Health for Scotland, the Scottish Education Department, and the Scottish Home Department, and, what is more, these departments have their headquarters in Edinburgh. In addition to this, there are special law officers for Scotland, corresponding to the Attorney-General and Solicitor-General in England, and the Scots have their own system of courts, with a final appeal to the House of Lords, and administer their own law in some matters.

### *Wales*

Scotland's administrative autonomy has led to claims that Wales too should have its own Secretary of State. Already there is some specialization in the administration of some services for Wales. There is a Welsh Department of the Ministry of Education under a Permanent Secretary, but it is located in London. Some other Ministries exercise all or most of their administrative functions in Wales through regional offices, with a head office usually at Cardiff. The Ministry of Health has a Welsh Board of Health at Cardiff, and the Ministry of Agriculture has a Welsh Department at Aberystwyth. But it is clear that the degree of decentralization found in Scotland is not extended to Wales, with its 2½ million people and its 8,000 square miles, and it may be expected that the agitation for more decentralization will continue.

### *The London County Council*

While 1¼ million people in the 5,000 or so square miles of Northern Ireland have the machinery of a national government and in addition, it may be added, a system of local government also in subordination to it, there are 4½ million people in London organized under the London County Council, with an area of 117 square miles. The range of the London County Council's affairs, though wide, is not as wide as that of the Government of Northern Ireland. It includes education, public health, housing and town planning, but it does not deal with police or the administration of justice. The control of the Metropolitan Police is vested in the central government, acting through the Home Secretary. But even here a small exception is allowed to

remain. The City of London itself, the historic area of about a square mile which has its own government of a Lord Mayor, Aldermen and Common Council, is permitted to retain control of the police within its area. With this exception it remains true that the central government is not prepared in the United Kingdom to delegate the control of the police of the capital to any other authority.

### English local government

In the provinces it is different. Throughout England and Wales there is a system of **local government** through which the administration of the police as well as of education, town planning, housing, library provision, water supply and so on are decentralized. The principal institutions of this decentralization are the counties which, for administrative purposes, number sixty-one (excluding the County of London) and the eighty-three county boroughs. The counties are divided up into county districts, either rural districts which group together a collection of parishes, or small towns which are either urban districts or municipal, non-county boroughs. There are about 1,400 of these county districts, about 300 of them being non-county boroughs, nearly 600 urban districts and nearly 500 rural districts. Through the councils of all these areas, with their mayors (in the case of boroughs) or their chairmen, the administration of most of the social services in England and Wales is decentralized. It is not completely surrendered, however. The central government retains control through the Ministries of Health and Education and the Home Office, particularly, and much of what is done by local authorities requires approval by the central government. Moreover, about a third of the expenditure of local authorities is met by grants from the central government, and with financial assistance goes administrative control.

### How decentralization is carried out in France

Enough has been said to show that in a unitary state there can be much decentralization in degree and in variety. Indeed almost every form of decentralization is illustrated in the United Kingdom except one, and that is the system of the **prefect** or regional representative of the central government which is in operation in France and in some other European countries. France has its local councils in the *communes* and in the *départements* (which correspond to our counties), but it relies principally upon



the office of prefect to control regional and local administration, and this prefect represents and is appointed by the central government. The nearest we have come to this system in this country was the institution of the Regional Commissioners during the war. Although certain Ministries now maintain regional offices with which local authorities are in contact, there is no general regional representative of the central government with the status and powers of the French prefect.

Most European governments have tended to follow the French system and to modify or control their locally elected authorities through a general representative of the central government ; in the United States and the British Dominions, on the other hand, the system of local authorities is more like that of the United Kingdom, though experiments in the organization of local government have in many cases produced differences in the structure of the actual local institutions.

### **Regional government in other countries**

It will have been noticed that, whereas in England, Wales and Scotland local authorities come under the control of the central government, in Northern Ireland they are controlled by a regional government, the Government of Northern Ireland. This same plan is followed in some other countries. In the United States and Australia local authorities are controlled by state governments, not directly by the general government at Washington or Canberra ; in Canada and South Africa they are controlled by the provincial governments. The machinery of decentralization is more complex in these countries than it is in England or, for that matter, in Eire and New Zealand. There is a level of regional government placed between the central and the local governments. The status of these regional governments in law and in practice varies : in the United States and Australia the states have a greater degree of autonomy in law than have the provinces of Canada and still more the provinces of South Africa, the last being subordinate to the Union parliament and dependent upon it for their existence and their powers, on the same model as the Government of Northern Ireland in the United Kingdom. In practice the difference is not so great, but it is important.

### **Should we have more regional government in Britain ?**

Regional government is often advocated as a remedy for some of the administrative weaknesses of British government. Some

existing county and county borough areas are too small and too poor to perform effectively the duties imposed upon them, and it is felt that, without necessarily abolishing them, a new layer of regional authorities might be inserted. Opinions differ upon the value of this proposal. Would the new regions have any sense of unity? The states of Australia and of the United States, and the provinces of Canada and South Africa were, in the beginning at any rate, distinct colonies or states, with a history and individuality of their own. Moreover in countries so large as these some regional government is necessary. In England a regional system might seem artificial. Yet the County of London was an artificial creation, and it works. More L.C.C.s might help to solve the problems of local government in urbanized areas like Tyneside, Merseyside or Clydeside. Some regionalism, though not uniform and complete regionalism, is perhaps the right solution.

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## POLITICAL PARTIES AND ELECTORAL SYSTEMS

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### The kind of issues that divide parties

We see how the powers of government are divided up between central, regional and local bodies, each level of government being related to the other in a particular way to conform with the peculiar factors of the political situation in the country concerned. It is interesting to consider next how people organize themselves in order to exercise or control the exercise of this allocated governmental power. In the democratic states this is carried out through the political parties and the electoral systems.

Parties may be organized upon a variety of principles. They may divide upon the economic issues, like the Labour and Conservative parties in Britain, the Labour, Liberal and Country parties in Australia, the Labour and National parties in New Zealand, each of which differs primarily upon questions of economic policy and in particular upon the pace at which changes should be undertaken. There are Labour parties in Eire, South Africa and Canada (where it is called the Co-operative Commonwealth Federation, or C.C.F.), and there are Socialist and Social Democratic parties in Europe which concentrate similarly upon questions of economic policy. But it is not always so. The two great American parties, the Republicans and the Democrats, cannot be identified easily with a difference of economic interest. Though it has been possible to say that the Democrats prefer a lower tariff than the Republicans and that the Republicans represent big business, there is never much homogeneity inside the parties on economic questions. Most political issues in the United States cut across the parties, as any vote on an important issue in Congress illustrates. What holds a party together is its desire to hold or to obtain office and in particular the great office of the Presidency. And it is possible that much the same story can be told of the two chief Canadian parties, the Liberals and the Progressive Conservatives.

## Parties sometimes stand for a change of regime

A different type of factor provides a basis for party divisions in South Africa and Eire, and that is the question of regime, and in particular the relation of the country to the British Commonwealth of Nations. The United Party of Field-Marshal Smuts stands for South Africa's membership of the British Commonwealth; the Nationalist Party stands for republicanism and presumably secession from the Commonwealth. In one form or another this sort of difference has divided South African parties since the union of 1910. In Eire Mr. De Valera's party, Fianná Fail, stands at present for Eire's association with the British Commonwealth as an independent republic voluntarily participating, so far as it chooses, in Commonwealth affairs, and recognizing the King as the symbol of this association. The principal opposition party, Fine Gael, preferred a closer association than this. It appears to have no prospects of ever achieving this object, and it must seek a more positive policy if it is to provide an effective alternative to Fianna Fail.

## Political divisions in France and Italy

In France almost all the factors that can operate in dividing parties are present and go far to explain why there are so many parties or political groups, and why inside any party there is so little solidarity. This was true under the Third Republic and it appears to be almost as true as ever under the Fourth. The Socialists, the Communists and the M.R.P. (*Mouvement Republicain Populaire*) differ on the economic issue, they differ in their attitude to the Church—the M.R.P. has strong Catholic support, the Socialists are secular or anti-clerical, the Communists are anti-clerical—and they differ on the question of regime, for the Communists are not satisfied with the Fourth Republic; nor are General de Gaulle and the parties of the extreme Right. A similar set of divisions are found in Italy, where Monarchists and Republicans dispute about the regime, and where the issues of Church and anti-Church, of Socialists and Communists complicate the party structure.

## The importance of electoral machinery

It is the object of these parties to obtain control of government, and it is through electoral machinery that their representation is secured. This is a most important feature of government, though some of its technical problems are complicated and dull. So fundamental an institution as the secret ballot is taken for granted in this



country—both that the ballot is secret and that it should be. Yet it is not eighty years since the secret ballot was established in England and it is still not established in practice in some countries today. It is in fact a difficult thing to ensure. There are so many ways in which the poll may be interfered with, and if precautions have to be taken that on the one hand only those entitled to vote do vote and do not vote more often than they are entitled to, it is more difficult to ensure on the other hand that the vote is kept secret. Yet secret vote and honest elections are the very foundation of free and democratic government.

### **The simple majority system of voting**

There are equally difficult problems in devising the best method of election for parliament or for public office, if it is desired that the results should reflect as accurately as possible the voting of the electors. In Britain we use for most purposes the system known as the simple majority or ‘**plurality**’ system in single-member constituencies. This means that, no matter how many candidates there are for a seat, the candidate who gets the most votes is declared elected. But this produces some curious results. Suppose in a constituency of 50,000 electors the Conservative candidate got 26,000 votes and the Labour candidate got 24,000. The Conservative is declared elected. And suppose, for the sake of argument, this sort of thing happened all over the country. The result would be that the House of Commons would be composed of nothing but Conservatives elected by about 17 million voters, while the 14 million votes, roughly, cast for Labour would have no representation at all. Now, of course, it never happens quite like this, but this kind of tendency is present in elections held under the system of single-member constituencies with a simple majority. In this system the result as shown in the House of Commons can be a distortion or exaggeration of the vote in the country ; it is not proportional representation (see diagram on opposite page).

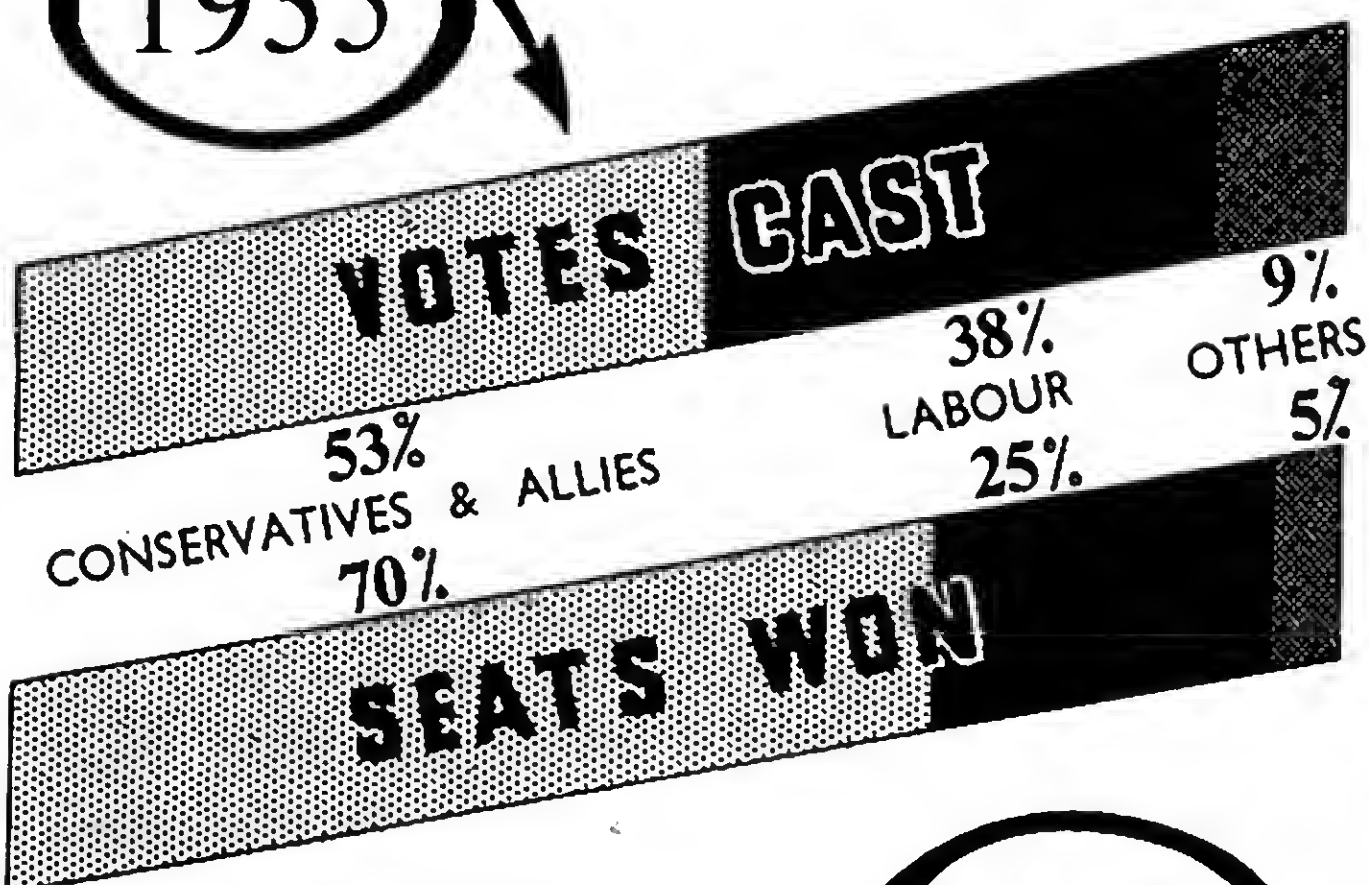
### **This system may produce some odd results**

But stranger things than this can happen. Suppose there are three seats each with 50,000 electors, and suppose that the Labour Party wins the first two seats from the Conservatives by 25,500 votes to 24,500 in each case. Then suppose the Conservatives win the third seat from Labour by 45,000 votes to 5,000. What is the result ? Labour has won two seats and the Conservatives one, but if you add up the votes cast, you will find that 94,000 votes were

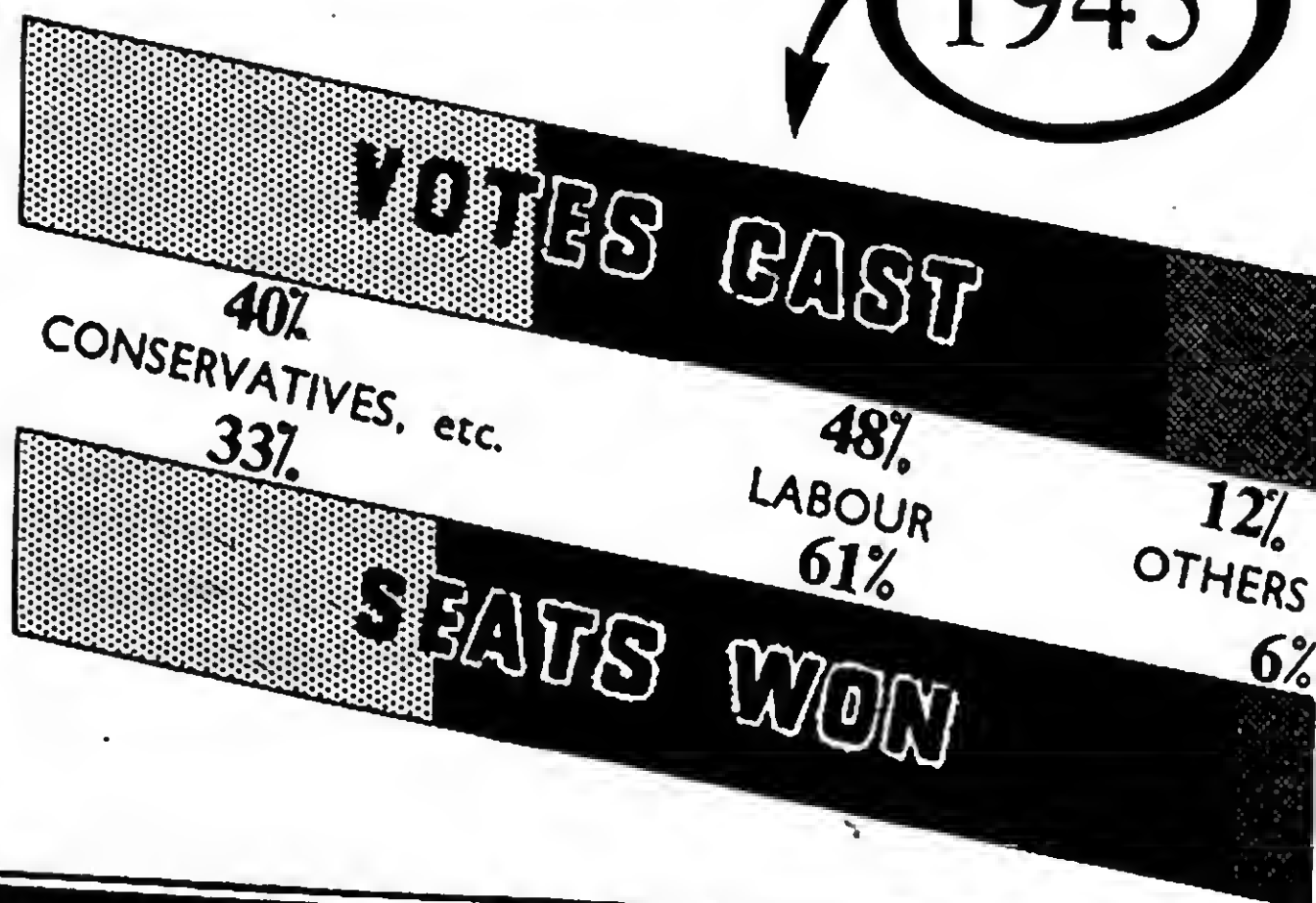
# VOTES AND SEATS

*at two British General Elections*

1935



1945



cast for the Conservatives in the three seats put together and only 56,000 for Labour. Here a party has obtained a majority of seats on a minority of votes. The electoral system has not merely distorted the vote but actually falsified it in the House of Commons. Now this example looks artificial, but in fact it is not uncommon for a party to gain seats by narrow majorities and to lose others by large majorities. In the House of Commons there have been examples of this distortion and falsification. Thus, in the General Election of 1945 the Labour Party won nearly 400 out of the 640 seats in the House of Commons, yet only about 12 million out of the 25 million votes cast were cast for Labour ; that is to say, a party with rather less than half the votes obtained near to two-thirds of the seats. The Conservatives with about 9 million votes obtained 189 seats, but the Liberals with almost 2½ million votes obtained only 12 seats. And this kind of thing could be illustrated in previous parliaments.

Nor is it peculiar to Britain. It happens also, for example, in the congressional elections and in the presidential election in the United States. The President of the United States is elected by what are called Colleges of Electors, that is to say, by bodies chosen for each state by the people of the state and pledged to vote for a particular candidate. These colleges are chosen by a simple majority, so that in New York State, for example, the Republicans by polling one more vote than the Democrats can capture the whole 47 votes in the electoral college of the state. As a result of these vagaries, two Presidents have been elected with a majority in the electoral colleges but a minority in the vote of the people, President Hayes being in a minority of about 300,000 in 1876 and President Harrison of about 100,000 in 1888 ; while on many occasions the result in the electoral colleges has distorted the result in the people's vote, the most striking example being that of 1936, when Governor Landon received only eight votes in the electoral colleges against President Roosevelt's 523, although 16 million votes were cast for him and 28 million for Roosevelt.

#### **A candidate sometimes gets in on a minority of votes**

Nothing has been said so far of the complications which arise when more than two parties are in the field ; the examples of disproportion and falsification so far given can arise if only two parties exist. When more than two are involved, it becomes very common for a minority candidate to succeed, that is to say, a candidate who has not obtained more votes than those of the other candidates put

together, but merely a simple majority. Thus, in a constituency of 50,000 there might be 18,000 votes cast for the Conservative, 14,000 for Labour, 10,000 for the Liberal, and 8,000 for the Communist. The Conservative is elected, but a majority of the voters do not want him. This result happens frequently in England, and it provides a problem particularly in continental countries where a multi-party system exists.

### **Alternative systems—the second ballot**

Various proposals have been made to devise a method of election which will reduce or abolish the exaggerations and distortions of the simple majority system. One or two methods may be mentioned here. We may begin first of all with the problem of the multi-party contest where more than two candidates offer themselves. One device for securing a more representative result is the **second ballot** system. At the first ballot as many candidates as care to can stand ; if one gets an absolute majority—that is more than all the others put together—he is elected and that is the end of it. If no candidate gets an absolute majority, then a second ballot is held a week later and a simple majority is enough to elect. Sometimes it is provided that only the three or four candidates at the top of the poll in the first ballot can stand at the second ; in other cases (as in France under the Third Republic) there is no restriction upon the number of candidates who may stand again, but in fact the number is reduced because it is clear that certain of them have no chance at all.

### **Preferential voting**

The idea of the second ballot is embodied to some extent in the system of **preferential voting** where, in one stage, electors indicate who is their first preference and who, failing that, they would like to see elected in order of preference. We can see how this would work in the example we already gave of a constituency of 50,000 where 18,000 voted Conservative, 14,000 Labour, 10,000 Liberal, and 8,000 Communist. Under a system of preferential voting this would not be the end of the matter. Each of these electors would have been entitled to place the candidates in order of preference, 1, 2, 3, 4. The next step in counting the votes is to exclude the candidate with the lowest total of first preferences on the ground that too few people want him. But their second preferences are not ignored. They are allocated to the remaining candidates according to the voters' wishes. Let us suppose that in this case the 8,000 Communist voters had been advised by their party not to express



any preferences for other candidates, but to place the figure 1 against the Communist and to do nothing else, and let us suppose that they all did what they were told. The Conservative, Labour and Liberal totals then remain unaltered. The next task is to allocate the second preferences of the Liberals. Let us suppose that 8,000 of them prefer the Labour candidate and 2,000 the Conservative. Then the Labour total is 22,000 and the Conservative is 20,000, and the Labour candidate is elected—a different result from that obtained by the simple majority system. This method of voting has been tried in some countries—notably in Australia—and there is dispute about how effective it is. Some voters are not willing to express a second preference, others find it very difficult to do so. Parties make electoral bargains to grant each other a reciprocal second preference. On the whole it may be said that the system produces a slightly less distorted result than the simple majority system.

### **Proportional representation**

But neither the second ballot nor preferential voting really attempts to cope with the problem of the wasted votes of minorities. They provide voters with a chance to obtain their second preference; ‘**proportional representation**’ offers voters their first preference. There are very many systems of proportional representation. One method is to regard the whole country as an electorate and to allot to the parties a number of seats in proportion to the votes cast for them all over the country. The parties issue lists of candidates in order of preference and they fill the seats obtained by their party. Candidates vote for a party or a party list. Obviously this system gives the voter no personal contact with the candidate, and it places great power in the hands of the central party organizations. A modification of the system more usually operates whereby a country is divided up into multi-member constituencies, with 3, 5, or 7 members each, and candidates are elected if they obtain the requisite proportion of the votes cast (usually called the quota). Inevitably there are some votes left over and unrepresented by this system, and in some cases there is provision that these should be collected together and allotted to certain general unattached party candidates. In any case it is claimed that very many fewer votes are wasted by the proportional system than under the simple majority system.

### **Why not have proportional representation in this country?**

It is not necessary for us to go into details about the systems of proportional representation. Experts differ about their accuracy

and effectiveness. The interesting point for us is whether, supposing they produce a more accurate system of representation, they ought not to be adopted in this country. Eire has proportional representation, for example ; why should not England ? It is said that proportional representation increases the number of parties in a state ; many authorities claim that the multi-party system of France and some other continental countries is due to the preferential or proportional electoral systems adopted there at one time or another and in one form or another. What is the objection to a multi-party system ? It makes stable government difficult or impossible. All Cabinets are coalitions ; no Prime Minister has really got control of his team. So also it is held that even where there would be no great increase in the number of parties, as for example in Britain, the greater accuracy of representation produced by proportional representation would reduce government majorities and make Cabinets less stable and perhaps produce frequently no party with a clear majority over all others. This sounds an irrational sort of argument, yet it appeals strongly to the British people. They prefer the rough-and-ready simple system of the plurality, with all its distortions, if it produces for them a clear result in the House of Commons, and they believe that no government will overlook the fact that its parliamentary majority differs from its electoral majority. Yet it is a difficult problem, and it raises issues which concern the very nature and purpose of Parliament. Is the House of Commons there to represent the people or to designate and support a government ? Are coalitions necessarily inferior forms of government where the people are not overwhelmingly in favour of a single party ?



# 5

## THE SEPARATION OF POWERS

### Different processes of government

The powers of government may be divided or distributed between central, regional and local authorities on a variety of patterns, as we saw. But it is possible to study also the way in which, at any of these levels, the actual powers or processes of government are allocated between different institutions or organs. It is usual to speak of three processes in government: the **legislative**, or the making of general rules on matters of principle; the **executive** or **administrative**, the application of these general rules to particular cases ; and the **judicial**, or the adjudication of disputes arising in the course of this application. Not everyone would agree that this classification is correct, nor that the definition of the three processes just given is adequate. Some would say that the administrative is a distinct process from the executive, believing that an element of discretion comes into the idea of administrative, while executive implies no more than the mere carrying out of orders. Some distinguish the two words in precisely the opposite way. And there are those who see two processes only, the legislative and the administrative, the latter including the judicial.

### What is meant by the separation of powers?

We will accept the rough classification of legislative, administrative and judicial processes for the moment, and consider how they are allocated among the institutions of government. In this connection reference is often made to what is called the ‘**separation of powers**’. Stated in its extreme form—as it was, for example, in the Constitution of the State of Massachusetts—this means that each process is allocated to a single, separate institution exclusively. The Constitution of the State of Massachusetts said : “ The legislative department shall never exercise the executive and judicial powers, or either of them ; the executive shall never exercise the

legislative and judicial powers, or either of them ; the judicial shall never exercise the legislative and executive powers, or either of them." Yet the doctrine, so extremely stated, has never been extremely applied, not even in the Constitution of Massachusetts. There is no example of a country with the extreme separation of powers. But some states approach the separation more closely than others, particularly in relation to the judicial process, and it is interesting to consider the way in which the allocation of processes to institutions has been carried out.

### **A comparison between Britain and the U.S.A.**

It is often said that the American Constitution embodies the doctrine of the separation of powers, whereas the system of government in Britain is without it. The truth is that there is an important degree of separation in Britain, and that in the United States, although separation occurs more strikingly than in Britain, it is subject to important modifications. What attracts attention and invites contrast between the two countries is the relation between the executive and the legislature. In Britain the Cabinet, the body of Ministers who are appointed by the King to be the chiefs of the executive, are members of the sovereign legislative institution, Parliament, and are in fact the leaders of Parliament. In the United States the President may not sit in Congress nor may his Ministers. Let it be noticed, however, that in Britain only the chiefs of the executive may sit in the House of Commons ; civil servants, anyone holding an office of profit under the Crown, may not sit. The difference between Britain and the United States is that, whereas in the United States no official, from the lowest up to the President, may sit in Congress, in Britain an exception is made for Ministers. Both countries recognize the importance of keeping government officials out of parliament—the old fight to remove ‘ place men ’ from the House of Commons in the eighteenth century was an example of this. But they differ in the relationship they establish between the political heads of the executive and the legislature. In Britain the political heads of the executive and the legislature are identical ; in the United States they are different.

### **Presidents and Cabinets**

What we are talking about is really the difference between the Cabinet system of government, the system of the ‘ parliamentary executive ’ as it is often called, and the presidential. Under the Cabinet system administration is placed in the hands of those men



who have a majority in parliament, and they hold office so long as they keep that majority. This system operates in the United Kingdom, in Northern Ireland, Eire, the Dominions, France, Italy, Holland, Belgium and the Scandinavian countries, and the list is not exhausted. The **presidential system** involves the election by the people, directly or indirectly, of a chief executive, distinct from the Congress, and he holds office for a fixed term quite irrespective of whether his party has a majority in Congress or not. This is the system of the United States and of its component states, and, on paper, though with considerable modifications in practice, of the whole of North, Central and South America except Canada.

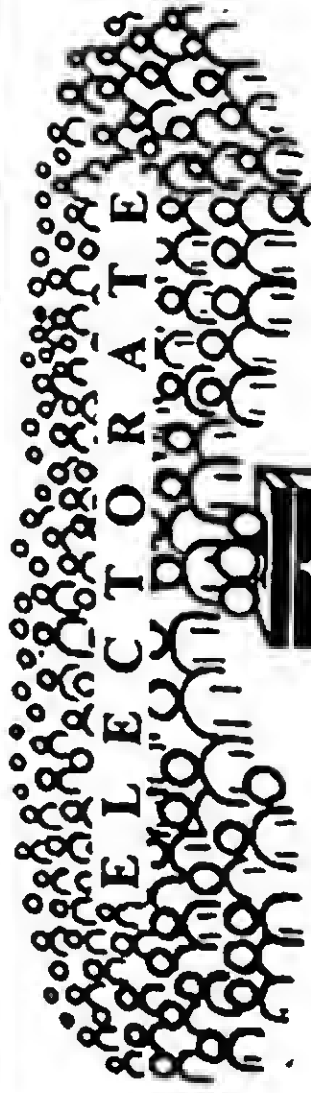
### **How the American system works**

But it is to be remarked that the exclusion of the President and his officers from Congress in the United States does not mean that he has no authority whatever in legislative matters or that Congress has no concern with administration. The Constitution contains important qualifications upon the principle of separation. Thus, in regard to legislation, the President has the power to veto Bills passed by Congress, and this veto kills the Bill unless it is re-passed by each house of Congress by a two-thirds majority. President Truman vetoed the principal financial bill enacted by Congress in 1947, and he was not overridden ; on the other hand, when he vetoed a drastic Labour Bill imposing restrictions on trade unions, his veto was easily overridden. All Presidents in recent years have used the veto and, whether they prevail or not, its existence is an important factor in the exercise of the legislative process. On the other side of the picture we find that the Senate, the upper house of Congress, has the power to participate in the treaty-making power and in the power of appointment along with the President. No treaty binds the United States unless it has been approved by a two-thirds majority of the Senate, and all important appointments in the United States, including judgeships of the Supreme Court and Cabinet posts, require the approval of the Senate before they are valid. Though there is separation of the institutions in the United States, there is overlapping of functions and processes.

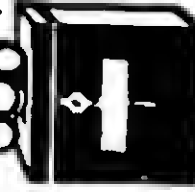
### **Congress may refuse to co-operate with the President**

The disadvantages of the American system are most marked at a time when the majority in Congress and the President are of different parties, as happened for example in the latter half of President

# BRITISH CABINET SYSTEM

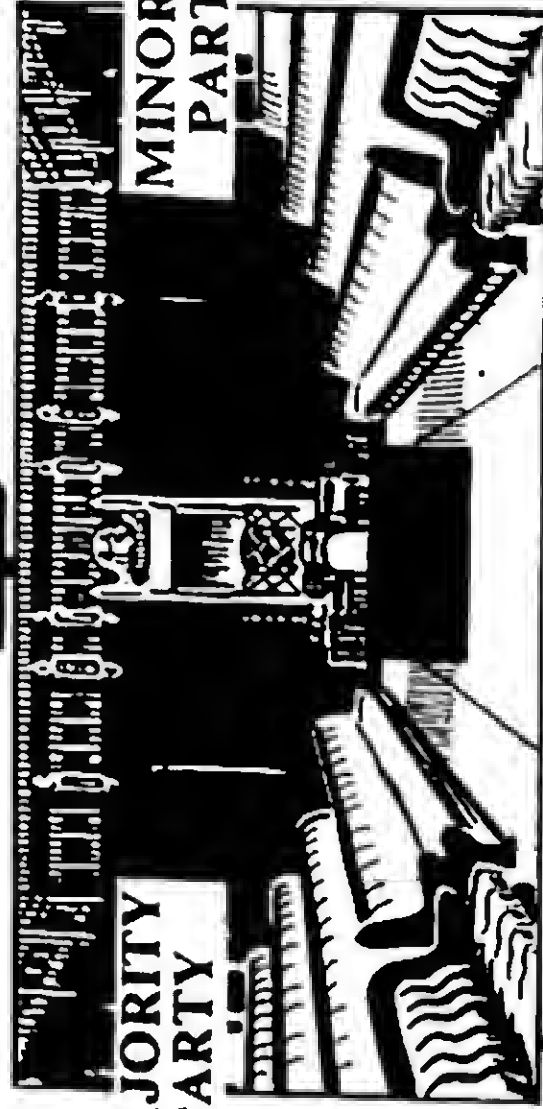


ELECTORATE



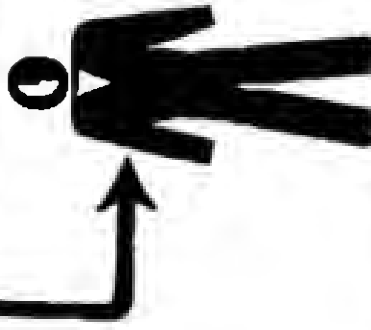
HOUSE OF

COMMONS



MAJORITY  
PARTY

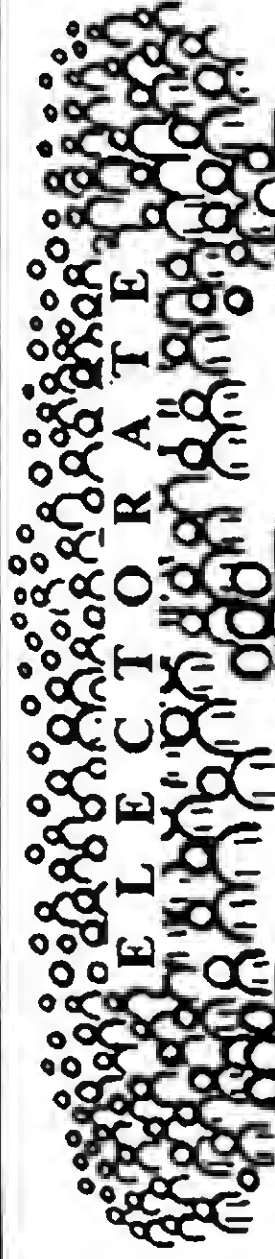
MINORITY  
PARTY



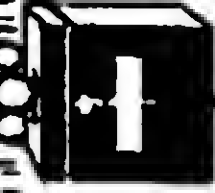
PRIME MINISTER  
AND CABINET



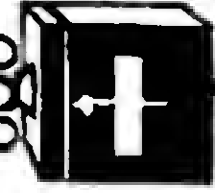
# U.S. PRESIDENTIAL SYSTEM



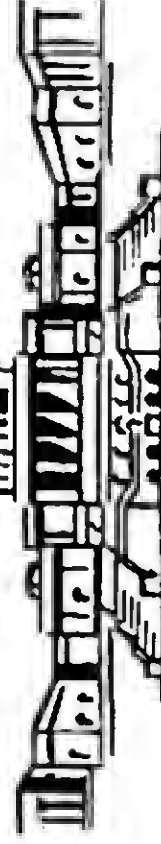
ELECTORATE



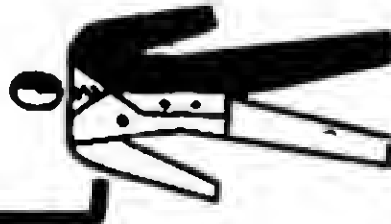
HOUSE OF  
REPRESENTATIVES  
(elected for 2 years)



SENATE  
(one-third elected  
every 2 years)



CONGRESS



PRESIDENT  
(elected for 4 years)



Appoints  
own Cabinet,  
who are  
not members  
of Congress



Hoover's term and in President Truman's regime from 1947. But even when the President is of the same party as the majority in Congress, the task of co-operation or of leadership is not easy. The President is not, like the British Prime Minister, the leader of the Congressional majority. He has reached his office not by working his way to the top in Congress, but by the separate route of election by the people, very often after a career which has included a governorship of his state, but has not taken him into Congress at all. Congress has its own leaders and they will have views of their own, and it is a task of some delicacy for a President to make his views prevail in Congress in this situation. President Franklin Roosevelt sometimes had great success in this respect and at times had a control over Congress comparable with that of the strongest British Prime Minister, but at other times, despite the fact that his party was in a majority, he was unable to get his way and even his veto was overridden.

### **Advantages and limitations of Cabinet government**

In contrast with the American system the Cabinet system of the British Commonwealth countries and of other parliamentary democracies appears unified, stable and responsible. So long as the heads of the administration have the confidence of the legislature, no law is passed which the administration is not prepared to carry out, and the conduct of the administration is subject to the scrutiny and control of those whose tenure of office depends upon their retaining the confidence of the legislature. There is no doubt where responsibility lies—it is with the Cabinet, and it is answerable in the House of Commons for policy. There is little doubt that it is a good system ; indeed that it is one of the most ingenious and beneficent inventions in the field of political institutions. It is not, of course, faultless. There can be a tendency to Cabinet dictatorship, if the majority party blindly follows its leaders and fails to respect minorities ; or there can be confusion and instability, beside which the fixed term of office of even a weak American President seems preferable, if parties become too numerous or too divided within themselves and Cabinets rise and fall in quick succession, as in France under the Third Republic. Some Americans have advocated a change to the Cabinet system in the United States, more particularly to give stability and swift co-ordination in the field of foreign policy. There need be no doubt that the Cabinet system could work in a federal system—the experience of Canada and Australia shows that. But it is probable that on the whole,

with all its drawbacks, the present system works rather better than an external observer would realize. True, governmental processes in the United States are slow, confused and frustrated, but there is much co-operation upon customary and informal lines which links the two sets of institutions, and it may be still that in so vast a country a government must be relatively weak and slow and deliberate if it is to be a government at all.

### **The powers exercised by officials**

There are other aspects to the notion of the separation of powers. In Britain in recent years many people have been worried about what is called '**delegated legislation**', by which they mean the delegating by Parliament to Ministers or Departments of powers to make laws, by Orders in Council, rules, regulations and so on. In addition to this there has been a granting of judicial powers or powers that have some judicial element in them to Ministers or to Departments. Although we speak as if the separation of powers had no great importance in Britain, it is clear that at the back of people's minds there is a vague idea that the processes of government should be kept fairly distinct, and they feel uneasy if there is much concentration of the processes in the hands of one institution or set of institutions. There is a feeling that Parliament ought to make the law, so far as possible, and that the courts should adjudicate ; the exceptions to this allocation should be as few as possible. There has been a similar feeling in the United States, where similar tendencies towards delegation have shown themselves. There the opponents of delegation are able to claim some support from the Constitution, which specifically states that legislative power is with Congress, executive power with the President, and judicial power with the courts, and although, as we have seen, it permits exceptions to this apparently extreme and exclusive separation, it is only where such exceptions are permitted by the Constitution that delegation or overlapping of processes may legally occur. In Britain no such restriction exists. If an Act of Parliament makes a delegation, whether of legislative or of judicial power, to a government department or to anybody it pleases, that delegation is legally valid.

### **Is delegated legislation necessary?**

The amount of delegation in Britain and the United States, and indeed in most other parliamentary countries, is considerable at the present time. It has grown steadily in Britain. In the years between 1922 and 1939 on an average about 1,500 Statutory Rules



and Orders were made in each year ; in the first five years of the war about 8,500 such rules were made. Many were revoked at the end of the war ; but others have taken their place and every day some more are made. The House of Commons can do little to control this legislation. It has established a Select Committee to scrutinize Statutory Rules and Orders and to call its attention to any that seem particularly flagrant examples of the dangers of delegation, and this Committee has undoubtedly done something to increase the care and circumspection of Departments. But the volume of this administrative legislation is so great that much must be left to the good sense of the civil servant. It seems clear that some measure of delegation is essential in a modern industrial state. Speed, the need for flexibility and experiment in the administration of an Act of Parliament, the extremely technical nature of some legislation, and the immense complication of much governmental activity, nowadays, make it impossible to include the whole mass of regulations in a single Act of Parliament or in a series of Acts. This doctrine has been accepted in the United States also, and a distinction is made there between the making of rules upon matters of principle, or legislation, which is the province of Congress, and making rules to carry these principles into effect, or administration, which is the province of the President and the Departments.

### **Should a government department be judge in its own cause?**

There is much more misgiving about the exercise of judicial functions by the administration than about its exercise of legislative functions. There is a strong feeling in people's minds that for good administration of justice the adjudicator should be quite separate from any of the parties concerned in the dispute, and there is something repugnant in having a dispute with a government department settled by an official of that department, with no appeal beyond him to the courts. There are examples of this arrangement in British and American government, but they are rare. What is more common is the setting up of tribunals appointed by a Minister to settle disputes. A well-known example in Britain is the unemployment insurance courts of referees, with an appeal to an umpire, whose decision is final. These tribunals have certain advantages over the procedure of the ordinary courts of law. They are quick and cheap, and for many people these two characteristics mean the difference between a chance of getting justice and no chance at all. In fact, provided certain safeguards are maintained, such as the security of tenure of the members of the tribunals, their impartiality

and integrity, these tribunals become in effect part of the judiciary of the country, although their methods and personnel may differ from that of the older courts. But it is certain that their operation needs careful scrutiny and it must be a rare case indeed where it is desirable to prevent an appeal on a question of law from such a tribunal to a judge of the High Court.

### **Where the Constitution is supreme**

In the United States all administrative adjudication and legislation, and indeed all legislation by Congress whatsoever, is subject in the last resort to the review of the Supreme Court of the United States to determine whether it is in accordance with the Constitution. The judiciary is thus in a stronger position, in law, than it is in Britain. It decides what the legislature and executive are permitted to do under the Constitution. The same system exists in Canada and Australia also, and in certain other countries where the Constitution is supreme over all the institutions of government which it establishes, such as Eire.

This notion of 'judicial review' is strange and indeed repugnant to people in Britain, though in fact it is exercised by the courts in relation to Northern Ireland, whose powers under its Constitution are limited to certain subjects. Yet it seems clear that if a Constitution is to be supreme over a legislature, there must be some way of ensuring that the legislature keeps within the bounds prescribed for it in the Constitution. It is the function of judges to decide what the law is and to apply it in cases where there is a dispute. If there is a conflict between an Act of a legislature and the Constitution itself, what are the judges to do? If they accept the Act without question, the Constitution ceases to control the legislature. They must, in fact, choose between the Constitution and the Act and they must prefer the Constitution, for it is the source and superior of the legislature which it established. So it is that the Supreme Court of the United States decides whether Acts of Congress are valid or not. It is not concerned with whether they are good or desirable Acts; its one concern is whether they are within the powers of Congress as laid down by the Constitution. The same system applies to all the legislatures of the states of America, whose Supreme Courts or, in some matters, the Supreme Court of the United States, have the authority to determine the validity of their Acts. So also in the provinces of Canada and the states of Australia. But in the Union of South Africa, where the parliament has unlimited powers, in contrast to the parliaments of the Dominion of Canada or the

Commonwealth of Australia, the courts accept Acts of Parliament as valid ; there can be no dispute about it ; legislation by the provinces, on the other hand, can be reviewed.

### **The U.S. Supreme Court in politics**

It is to be emphasized that, in all these countries where judicial review exists, the courts do not pronounce upon the validity of legislation unless a case is brought before them. They do not exercise a power of general review over all laws passed. As a result a law may be in operation for many years before it is brought before the courts for a decision upon its validity, and if it is then pronounced invalid, some confusion is caused.

The exercise of the power of judicial review inevitably brings the courts into political controversy. There was a great conflict in the United States in 1936-7, when President Franklin Roosevelt, whose major legislative proposals when enacted by Congress had been declared invalid by the Supreme Court, attempted to overcome the opposition of the Court by making fresh appointments to it. There are clearly great disadvantages too in a system where the wishes of a majority of the legislature and the elected President cannot be put into effect because a majority of a court says that the law is unconstitutional. Yet in the end the argument comes back to the question of the supremacy of the Constitution and the ease with which the Constitution may be amended. So long as it is thought necessary that a Constitution be supreme, for so long must courts prefer its words to those of any Act of a legislature.

### **Judicial independence**

Great stress is laid in democratic countries upon the independence of judges and upon their having security of tenure in their office. Judges are in fact appointed by the executive in most countries, though they are elected to office in some of the United States. The process by which they may be removed is difficult—it involves in Britain and in the Dominions an address to the King (or his representative) by both houses of the legislature, and in the United States a process of impeachment by the House of Representatives before the Senate. Removal has been extremely rare, and it is difficult to think of any example in modern times of the removal of a judge because of his political views or because the executive had any hostility towards him. There is a strong public opinion supporting the independence of judges. On the other hand, it cannot be pretended that where judges are elected the same independence can be achieved.



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## BUREAUCRACY

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### The rule of officials

“The entire business of government is skilled employment,” wrote John Stuart Mill in his *Representative Government*. That means that it cannot be undertaken by people who are ignorant or untrained ; it will require professional and specialized skill and knowledge. Every government needs therefore its civil service, its body of administrators, technicians, and clerical officers. These people are often called bureaucrats and government by them is called **bureaucracy**. The word ‘bureaucracy’ probably had a neutral meaning at one time. It meant ‘the rule of the office’, the conduct of government by administrators or organizers or officials. In modern times, in Britain and America at any rate, it is an uncomplimentary term and suggests too much government and too many officials. It is used as a term of criticism and abuse. Yet it is probably wise to use it, for it serves to remind us always of the dangers to which administrators are always prone, and of the necessity for democracy to be eternally vigilant.

### The layman and the expert

In Britain we believe that the unadulterated rule of officials is a bad form of government, but at the same time we regard bureaucracy as an essential element in a good system of government. We believe that the best government can be obtained from the co-operation of laymen with skilled bureaucrats, each supplying the deficiencies of the other. We believe, in the words which Walter Bagehot used in his *English Constitution*, that success in the art of government “depends on a due mixture of special and non-special minds.” So we have the system by which the heads of our government departments, the Ministers of the Crown, are chosen from Parliament, not because they are experts in the subject-matter of their departments, but because they have the confidence of a majority



in the House of Commons. They are associated with the permanent, expert administrators who are their advisers. This is the way the system of the parliamentary executive or the Cabinet system works. In a system of the presidential executive, the procedure can be different. It is true that the President himself, the chief executive, is elected and need not have any technical or expert administrative qualifications. But he has some freedom, when he comes to appoint his heads of departments, to choose men on the ground of administrative experience and ability, and he is not required to confine himself to politicians. None the less, an elected President has his party to consider, and it is never possible—or indeed desirable—for him to exclude political considerations entirely from his decisions about appointments, particularly when, as in the United States, these appointments need the approval of the Senate. Under the Cabinet system, however, there is less freedom. Ministers must be, or become quite soon, Members of Parliament. The rule in Britain is based upon custom, backed by constitutional necessities; in some of the Dominions, such as South Africa and Australia, it is required by law.

### **Relations between Ministers and their officials**

There is often much criticism of the system whereby laymen are placed at the head of government departments and in particular of the frequent changes that are made, often for political considerations, in the holders of office. On the whole it is a good system, provided the relationship of the Minister and his officials is rightly understood. “It is not the business of a Cabinet Minister to work his department,” said Sir George Cornewell Lewis, who was Chancellor of the Exchequer and Home Secretary in Britain in the nineteenth century. “His business is to see that it is properly worked.” He is answerable to Parliament, and in particular must answer questions directed at him by members of the House of Commons. For an hour at the beginning of business each day in the House of Commons Ministers answer questions orally, and many others are answered in writing and published in *Hansard*. And this, as Walter Bagehot said, ensures that Cabinet Ministers are of some ability. “A fool,” said Bagehot, “who has publicly to explain great affairs, who has publicly to answer detective questions, who has publicly to argue against able and quick opponents, must soon be shown to be a fool. The very nature of parliamentary government answers for the discovery of substantial incompetence.” And experience of the working of modern British government in the eighty years or more

since Bagehot wrote on this subject would lead one to reaffirm his judgment that "most Cabinet Ministers in charge of considerable departments are men of superior ability. There is every reason to expect that a parliamentary statesman will be a man of quite sufficient intelligence, quite enough various knowledge, quite enough miscellaneous experience, to represent effectually general sense in opposition to bureaucratic sense."

### **Expansion of the civil service**

The size of the bureaucracy has increased in most democratic countries in the last ten years. In Britain there were about 400,000 non-industrial civil servants on April 1st, 1939 ; by April 1st, 1947, there were about 720,000. About 400,000 of these 720,000 were employed in the Post Office (252,000) and in the Defence and Supply Ministries, and a good deal of the increase could be explained, no doubt, by the wartime expansion of the Defence and Supply Ministries. The figure of April 1st, 1947, was only a few thousands below the peak figure of the civil service which was reached in July, 1943, and it is clear that the figure may increase. For although, if rationing and other controls are removed, a reduction estimated at about 140,000 can occur, the extension of social services and of nationalization and State control in industry will more than counter-balance this reduction. It is to be noticed that these extensions of State action do not necessarily mean that more people will be engaged upon administrative or bureaucratic work than formerly. In many cases the government takes over not only services and undertakings but also the staffs of these undertakings, who continue to perform in the government service the same sort of work which they used to perform outside it. None the less, the civil service increases, and those who fear the size of the machine and the monopoly of government employment are not comforted.

### **How should officials be appointed?**

"A most important principle of good government in a popular Constitution," wrote John Stuart Mill, "is that no executive functionaries should be appointed by popular election : neither by the votes of the people themselves, nor by those of their representatives." His advice has not been followed in state and local government in America, where many offices, including judgeships, are filled by election. But in the general government appointment is the rule, as it is in most countries. The next question is : From

whom shall appointments be made ? Should there be a competitive examination for admission to the civil service ? In Britain this principle is now accepted and a series of examinations for the different grades of the national civil service are conducted by the Civil Service Commission. A similar system was introduced in the United States for the national civil service in 1883 and it has slowly extended its range to cover a large proportion of the posts in the service. War-time expansions, both in the United States and in Britain, led to a large influx of civil servants inevitably recruited by the process of selection without examination, and it will take some time before the proportion of appointments after examination returns to its former level. In any case, political and party appointments are more common in America than in Britain, particularly in the higher ranges of the civil service.

### **What are the qualifications required?**

While appointment by competitive examination has certain merits, it is well to remember that a great deal will depend upon the type of examination, and of course on the standard at which it is set. In Britain, at present, experiments are being undertaken with a new system of examination in which psychological tests and interviews play a larger part than a mere written examination. There is some discussion about the kind of qualifications that should be required of candidates so far as their academic work is concerned. Is it best to ask that candidates should have a good general education, or should some degree of specialization, say in economics or science, be encouraged or required ? Obviously in certain branches of the government service—the medical or legal or engineering branches, for example—specialized and technical qualifications are necessary, and recruitment to these services must come by different methods from those appropriate to the administrative, executive or clerical grades. In Britain there has been a belief, on the whole, in the value of a general, liberal education as a basis for recruitment to the national civil service, and it may be asserted that this is a sound belief, though the ingredients of a liberal education may be more widely interpreted as the years go by.

### **Security of tenure**

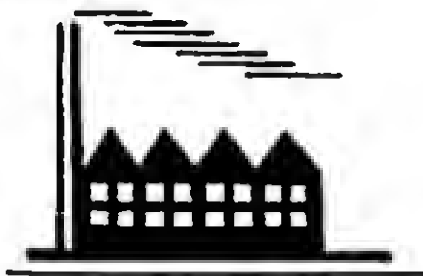
It is a cardinal principle of the British civil service that the tenure of office is secure and that no official should be dismissed unless for proven incapacity. The odd thing about this principle

CENTRAL GOVT.,  
FINANCE, HOME  
AND FOREIGN



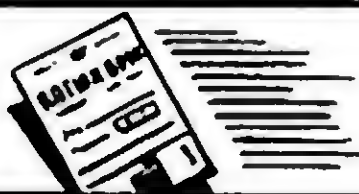
43,000

TRADE AND  
INDUSTRY  
(INCL. LABOUR)



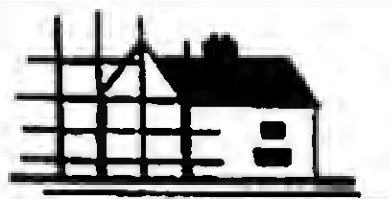
90,000

FOOD



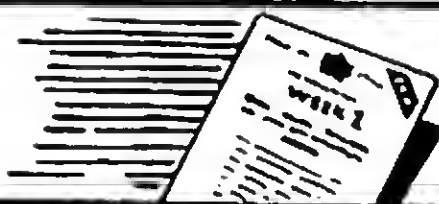
54,000

SOCIAL  
SERVICES  
(INCL. HOUSING)



71,000

REVENUE



59,000

POST  
OFFICE



252,000

DEFENCE  
AND  
SUPPLY



143,000

**CIVIL SERVICE STAFFS,  
GREAT BRITAIN, JULY 1947**

*(Non-Industrial Civil Servants only. 2 part-time workers count as one unit)*

is that so far as the law is concerned most civil servants hold office during 'the pleasure of the King', unlike judges, who have a tenure during 'good behaviour'. This means that they could be dismissed whenever any Minister chose to advise the King to do so. In fact, by well-established custom, there is no tenure more secure than that of the civil servant, and there is nothing in Britain comparable to the vacation of offices which occurs in the United States after a change of President. In local government in Britain there is a similar security of tenure, though it, too, is not based on any solid legal foundation. Local government officials usually have some sort of contract of service with their authority, providing for termination of appointment after due notice, and so far as the law is concerned they could be dismissed without difficulty. In fact, through their trade unions and professional organizations, they have great protection against arbitrary or partisan dismissal. On the recruitment side, the local government service has not yet attained standards comparable to those of the national civil service, and in the lower grades particularly appointments can be made by favour rather than by merit. But the professional organizations and the unions are working to raise the standards, and the control of the central government works in the same direction.





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## WHAT EXPERIENCE TEACHES

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### A word of warning

The chief lesson which experience of the working of political institutions teaches is that, as Lord Balfour said, "constitutions are easily copied, temperaments are not ; and if it should happen that the borrowed constitution and the native temperament fail to correspond, the misfit may have serious results." While, therefore, we may observe how certain institutions have worked in one country, we cannot say with certainty that they would work the same way in another, not even when we are dealing with countries that seem so much alike as Britain and the British Dominions or the United States. It is with this warning in mind that we can mention briefly some features of government which experience has illustrated.

### The cabinet system seems to work best with two parties

First of all it is clear that, for the working of the Cabinet system, two parties are preferable to three or more. If those whose task is the conduct of government and those whose task is criticizing them and providing an alternative to them are clearly discernible, government and opposition alike are more responsible and authoritative. A multi-party system produces frequent changes of government, internal weakness, and lack of responsibility ; it puts a premium on irresponsible and factious opposition ; it encourages extremism and discourages compromise. That is the lesson of the Third French Republic. By contrast the two-party system in the United Kingdom has provided more stable government and a more concentrated and responsible opposition. And even in countries, like the United States, where the tenure of the executive is not dependent upon the support of the legislature, the existence of a two-party system has brought great benefits. It is indeed something of a marvel that in so large and diversified a country two parties have contained the many different interests of the people. But it has usually been so, and the two-party system provides a

force for political integration in a country where the powers of government are so much divided between general, state and local governments, and still further within these governments themselves.

### Two houses of parliament or one?

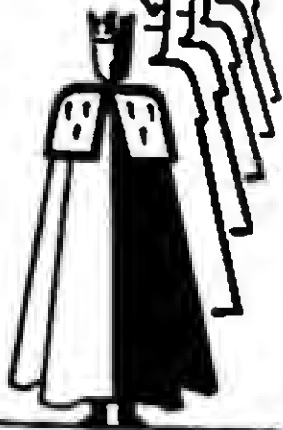
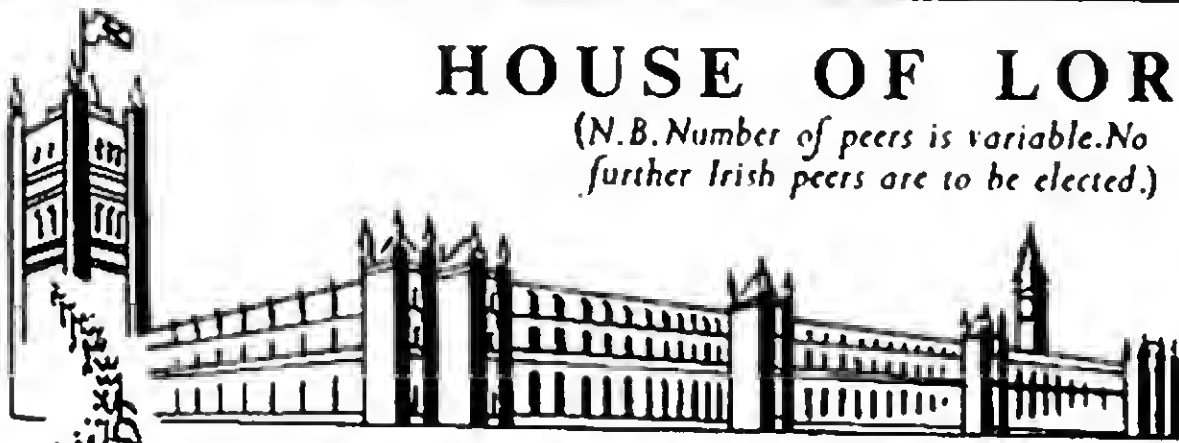
What does experience teach about the best method of conducting the legislative process? It is interesting to notice first that no considerable country has dispensed for long with a second legislative chamber. Today the United States, the U.S.S.R., the United Kingdom and France all have **second chambers**, each differing very much in its powers. In federations like the United States there is an argument for a second chamber which does not apply to unitary states. It is urged that where states or provinces have joined together in a federation, which means that they are not willing to surrender all their powers to one central government, they should have some protection against the more populous of their partners in the federation. So it is provided in the United States that, whereas the states are represented according to population in the House of Representatives, they are represented equally, by two members each, in the Senate, irrespective of population. The same principle is adopted in Australia and Switzerland, and with modifications in Canada and the U.S.S.R. It is probable that this is a good idea. Indeed, in some cases it would not be possible to persuade small communities to join with larger ones in a federation unless this guarantee of equal rights in a second chamber was granted. Yet it is to be noted that, apart from the Senate of the United States, these second chambers have proved to be less powerful in practice than the first chambers, and their effectiveness as a guardian of state rights has proved less than some had hoped.

The case for a second chamber in a unitary state must rest on a different footing. There is a saying that, if a second chamber agrees with the first, it is superfluous; if it disagrees, it is mischievous. This is not necessarily true. Everything depends upon the way in which the second chamber is constituted in relation to the first. If the first chamber is constituted on a basis of universal suffrage, exercised through single-member constituencies and chosen by a simple majority or plurality, as the British House of Commons is, there may be a case for having a second chamber elected on the same franchise but by proportional representation, or elected to represent, say, the counties, or elected for a longer term than the House of Commons and with, say, one-third retiring every two or three years

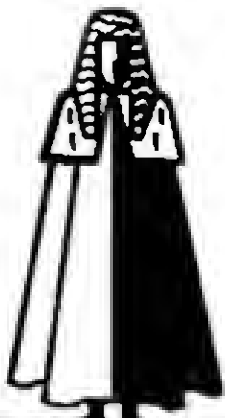
# TWO TYPES OF SECOND CHAMBER

## HOUSE OF LORDS

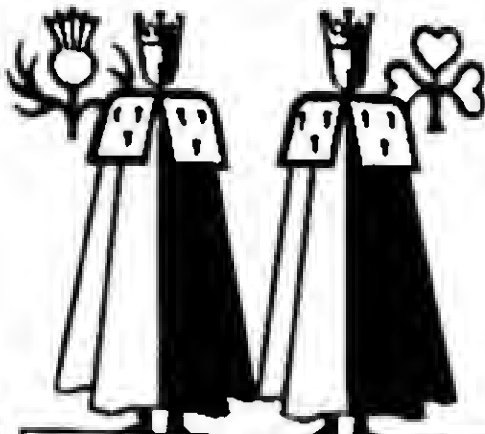
*(N.B. Number of peers is variable. No further Irish peers are to be elected.)*



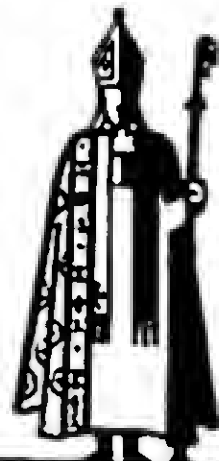
784  
HEREDITARY  
PEERS



10  
LIFE  
PEERS  
(Law Lords)

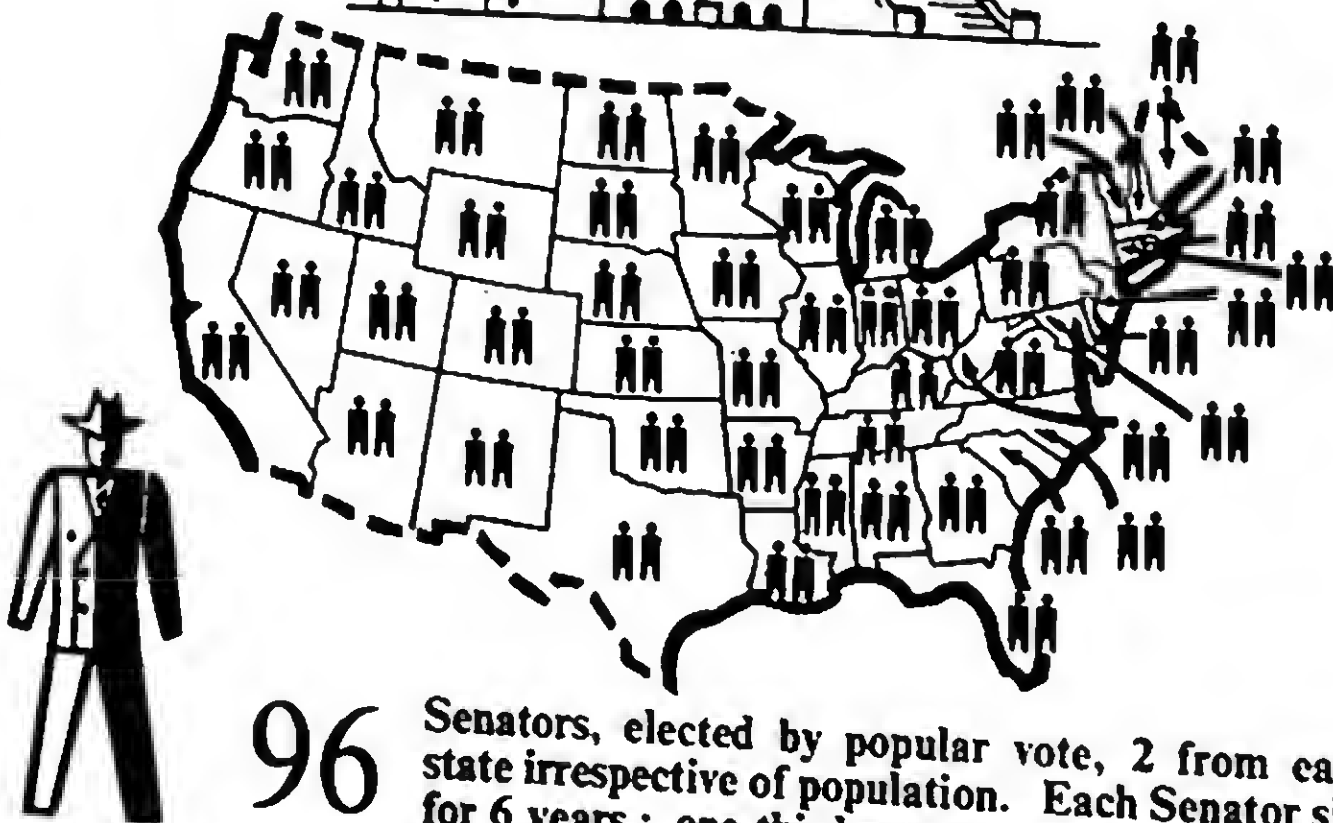
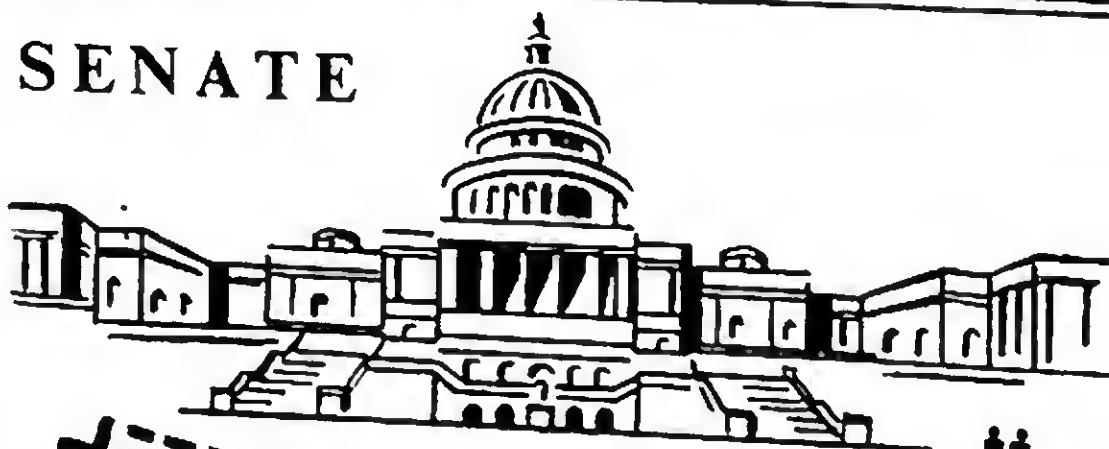


24  
REPRESENTATIVE  
PEERS  
(16 Scottish, 8 Irish)



26  
BISHOPS  
(incl. 2  
Archbishops)

## U.S. SENATE



96

Senators, elected by popular vote, 2 from each state irrespective of population. Each Senator sits for 6 years : one third are renewed every 2 years.

There are more ways than one in which the people can be represented and there is no reason why two methods might not be tried. A second chamber, so constituted, would not always agree with the first ; if it did, all to the good, if not, its opinion would be entitled to some value. The principle of the second chamber is the principle of asking a second opinion. If a second opinion confirms the first, that does not mean that the second opinion was not worth having ; if it conflicts with the first, it provides an opportunity for reconsideration.

### **One chamber usually predominates over the other**

Sooner or later, it seems, where there are two chambers, one must obtain the predominance, though in Sweden, where the second chamber is elected roughly speaking to represent what we would call counties, the two houses seem to remain closer in power than in most other countries with a Cabinet system. It is indeed the Cabinet system which tends to increase the power of the lower chamber, because it is generally the rule that the Cabinet is responsible to the lower chamber and that the Prime Minister and the principal Ministers are drawn from it. In the United States, where the executive is not drawn from the legislature, the House of Representatives lacks this aid to its power, and on the whole it is fairly clear that the Senate is the stronger body. Not only is it smaller, and the term of office of its members three times as long as that of members of the House of Representatives (six years as against two), but it is endowed by the Constitution with powers over foreign affairs and over appointments (to which reference has already been made), which the lower house lacks. The American Senate is clearly the most powerful second chamber in the world, and it is significant that it is found in a country where the parliamentary executive or Cabinet system does not obtain.

### **The case for the House of Lords**

There is no other second chamber recruited quite like the British House of Lords, where the principles of hereditary succession and of unlimited appointment are applied. Under the Parliament Act of 1911 the House of Commons can prevail over the House of Lords, if it is determined to do so. Indeed, it can abolish the Lords if it wishes, and could be delayed, at the least, for a period of about two years. Where money Bills are concerned, the Lords have



virtually no power of delay ; in regard to all other legislation (except a Bill to extend the life of Parliament, where their powers are unlimited) they have a suspensive veto of at least two years.

The case for the House of Lords is based upon this subordinate position which it is given by law—it cannot withstand for long the clearly expressed will of the people as expressed in a majority of the House of Commons—and by the useful service its members give in revising legislation and in debating matters of public interest which the House of Commons may not have the time or the specialized knowledge or the will to consider. On the other hand, its method of composition might fairly be described as haphazard ; it has a permanent Conservative majority, and its powers, though limited, are not inconsiderable. In particular, its power of delay, where delay may be fatal to a proposal, can be equivalent to a power of rejection or veto. In these respects it is fair to say that the House of Lords is an anomaly in a democratic state.

It has been said (again by John Stuart Mill) that, if the legislative process is properly organized in the first chamber, there is no need for a second chamber at all. Experience would seem to show here that even in the case of the House of Commons, where careful provision is made for full debate upon legislation, the pressure of legislation is so great that there is still room for the operation of a second chamber which can deal with points left untouched in the House of Commons. On many occasions the government has taken the opportunity of the consideration of a Bill in the House of Lords to introduce amendments which it has decided to be necessary after discussions in the House of Commons, or after further representations have been made to it. If there were no second chamber, the time of the House of Commons would be encroached upon still further. But, needless to say, this is an argument in favour of a second chamber, not of the House of Lords as at present constituted.

### **Legislative committees**

A further question upon which the judgment of experience may be consulted is the use of committees in the legislative process. In this matter Britain and the Dominions follow a distinct plan from the United States and France. The rule in Britain and the Dominions is that a Bill does not go to a committee until it has obtained its second reading in the House ; that is to say, until the House has decided that it is in favour of the Bill. The job of the committee is to consider the Bill clause by clause, in the knowledge that a



majority of the House favours it as a whole. In the United States and France, on the other hand, Bills are considered by committees before the House has approved them ; indeed, as a consequence, they are as good as drafted and prepared in the committees. This obviously increases the control of committees over legislation, and makes them partners with the executive or rivals of it in the process of initiating and enacting legislation. The merits of these two systems are often debated. In the British system the Cabinet is clearly the predominant committee in charge of legislation, and other members play a subordinate role ; in the United States and France the committee members play an important part. In neither case, it should be noted, is power abdicated to the House as a whole, nor would it be efficient to do so. In the end it comes back to an argument about whether the executive—be it parliamentary or presidential—should control the legislature or not. The system works with efficiency in Britain and the Dominions, yet it might well happen that it would not work so well if adopted in France or the United States.

### **Minority obstruction versus majority dictatorship**

Fundamentally these discussions come down to the question : How far is it reasonable to allow the opposition of the minority, and its desire to be heard and to criticize, to hold up the programme of the government ? When does opposition turn into obstruction ? The British parliament was obliged to face this question in the 'eighties of last century when the Irish members deliberately obstructed business in the House of Commons so as to attract attention to the Irish question. The result was that today there is a variety of ways of bringing discussion to an end and permitting the majority to take its decisions. But care has been taken that these weapons should not be a mere tool of majority tyranny. In particular, the motion " That the question be now put "—the usual 'closure' motion—may not be moved unless the Speaker or the chairman, as the case may be, agrees ; it lies within the discretion of the Chair to " refuse the closure if in his opinion the motion is an abuse of the rules of the House or an infringement of the rights of the minority "—so run the Standing Orders of the House of Commons. As the Speaker and the chairman are impartial and take great care in the making of these decisions, there is some check here both on minority attempts at obstruction and majority attempts at dictatorship. Powers are given to the Speaker and to chairmen also to select amendments for discussion from the long list put

forward by members and to pass over those which they do not think it necessary to consider. This is a great power, but its use has seldom provoked any protest. Powers of this kind vested in the Speaker and chairman emphasize the fact that democratic government can only work if a true balance is kept between majority and minority rights. This balance has usually been held well in Britain in this century ; in the Third Republic, however, and in the American Congress, undue stress seems to be placed upon the right of the minority to oppose, as if this alone were the only valid principle of democracy.

### Opportunities for change

Political institutions are never completely satisfactory ; they stand in need of change. And it is important that recognized machinery should be available for **constitutional amendment**. But no one pattern will suit all countries. Federations, where the Constitution is supreme over the general and regional governments, must provide a method of amendment which prevents either the general government alone or the regional governments alone from altering the Constitution. Thus, in the United States, the Constitution cannot be amended by Congress alone or by the state legislatures alone, but by a combination of the two, and with the requirement that a two-thirds majority for the proposed change must be obtained in both Houses of Congress and that the legislatures of three-quarters of the states must approve also. In Australia and Switzerland the approval of the people as a whole and of a majority of the people voting by states and cantons respectively is necessary as well as the approval of the parliament. In Canada no legislature has power to alter the Constitution of the Dominion ; the British parliament makes alterations at the request of the Dominion parliament. These countries give examples of what are usually called 'rigid' Constitutions, because they require a special legislative process in order to amend their Constitutions. Countries in which, like Britain and South Africa, amendments can be made by an ordinary Act of Parliament are called, in contrast, 'flexible' constitutions. In practice these distinctions have not always been illustrated. Britain and South Africa have not made much alteration of their Constitutions by Act of Parliament ; Switzerland has used its amending process considerably. Australia, the United States and Canada have been slow to adopt amendments, but it may be more because the societies of these countries are conservative rather than that the Constitutions are, by law, rigid. Australian

experience in particular seems to suggest that the people are reluctant to accept proposals for constitutional amendment and that to confide the power of amendment to the people has its drawbacks.

But Constitutions are altered as much, if not more, by judicial decisions, interpreting the Constitution, as is done in the United States, Canada, and Australia, for example, and by the development of custom and conventions, as they are by formal amendments. The British Cabinet system is largely the growth of constitutional custom ; the working of this system in the Dominions is largely regulated similarly by custom ; the process of electing the American President has been in practice transferred from the electoral colleges to the people, who elect the members of these colleges by the working of constitutional custom. All three processes—legal amendment, judicial review, and custom—operate on all Constitutions, adapting them to the changing forces and needs of the times.



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## FUTURE PROSPECTS OF POLITICAL INSTITUTIONS

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New Constitutions are beginning life in many countries. India becomes two federal states, if not more ; France embarks upon a Fourth Republic ; Italy turns from monarchy to republic ; Ceylon, Burma, Nigeria, Gold Coast, Jamaica, Newfoundland, within the British Empire, Bulgaria, Austria, Czechoslovakia, Poland, Jugoslavia, in Europe, are undertaking experiments or making a fresh start in the art of governing themselves. It would be foolish to attempt to tell the fortunes of these countries. All that can be wisely essayed is a few remarks upon the sort of factors that are necessary if these governments are to work at all.

For France and Italy the student of political institutions will be disturbed first by the signs of the existence of a multi-party system, and of a divergence between the parties which appears to go too deep for compromise. He will see no sign of "a people so fundamentally at one that they can safely afford to bicker"—the phrase which Lord Balfour used of the British people. The prospects of good parliamentary government are not bright in France and Italy. If he looks to India and considers the prospects of parliamentary or of federal government there, he will not be optimistic. So far as federalism is concerned, it involves a will among states to unite for some purposes and a will at the same time to be separate for others. It requires a delicate balance of forces and much toleration. It is a most difficult government to work, as American or Canadian or Australian experience shows. These conditions are not all present in India. It may prove that the parliamentary executive is not the best form of government for countries whose social organization is so different from that of the countries of Western Europe.

Over all governments two great factors exercise a profound influence—war or the fear of war, and economic scarcity. Both

require strong government control, and their tendency is towards totalitarianism, whether of the Right or the Left. In the parliamentary countries these two forces produce the systems of controls, the increase in power and size of the bureaucracy and the executive, the weariness and despair of the ordinary man which leads him to lose faith in his system of government, and finally the centralization of government, through the financial weakness of local authorities to perform the tasks allocated to them. Democratic institutions are never easy to work, but discussions and delays, so characteristic of democracy, can be afforded in peacetime and in prosperity ; in times of war and scarcity they are suffered less patiently. The tendency to adopt the short cut of dictatorship is attractive. The future of democratic political institutions depends very much upon the duration and intensity of these two great forces of today.



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" "	<i>The State in Theory &amp; Practice</i>	Allen and Unwin	7/6
McCallum, R. B., and Readman, A.	<i>The British General Election of 1945</i>	O.U.P.	18/-
MacIver, R. M.	<i>The Modern State</i>	O.U.P.	21/-
Pickles, D. M.	<i>The French Political Scene</i>	Nelson	2/6
Strong, C. F.	<i>Modern Political Constitutions</i>	Sidgwick and Jackson	8/6
Thomson, D.	<i>Democracy in France</i>	O.U.P.	10/6
" "	<i>Democratic Ideal in France and England</i>	C.U.P.	3/6
Wheare, K. C.	<i>Federal Government</i>	O.U.P.	15/-

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## SUGGESTIONS FOR DISCUSSION

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In the nineteenth century it was fashionable to regard constitutional government as in itself a complete guarantee of the substance of democracy. Today, under the influence of Marxist thought, we are frequently more concerned with the economic and social content of democracy and tend as a result to pay less attention to political forms. An earlier pamphlet in this series<sup>1</sup> dealt at some length with the conflict between these two different conceptions of democracy—the Western with its emphasis on political liberty, the Eastern with its emphasis on economic and social equality. The present Handbook concentrates on the political aspect of democracy, and it is therefore with Western systems of government that it is primarily concerned. It is true that in the first section (pages 1-5) the author does enter into a brief study of the features which distinguish political democracy from other forms of government, but this study serves mainly as an introduction to his main theme, which is the diversity of institutions to be found in the Western democracies.

The material presented in this pamphlet is not therefore intended to serve as a basis for the discussion of the merits or limitations of political democracy as such. It proceeds rather from the assumption, which is commonly accepted in the West, that political democracy is a desirable form of government, and goes on to consider through what institutions it can be made to work most effectively. The Marxist will have little time for such a study, for to him constitutional forms are of secondary importance; but those who feel there is still a future in the world for parliamentary government on the Western pattern cannot afford to be indifferent to the problems connected with its practical operation. For its survival is today threatened by the emergence of a new system which is peculiarly adapted to the economic and social conditions of the modern world,<sup>2</sup> and it can only meet this challenge successfully if it proves itself able to cope with the needs of mass civilization.

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<sup>1</sup> Background Handbook No. 2, *Democracy East and West*, by Barbara Ward.

<sup>2</sup> See E. H. Carr, *The Soviet Impact on the Western World*, Macmillan, 1946. 5/-.

How then should a discussion-group tackle this subject of political institutions? There is obviously some advantage in starting with a system of government with which we are ourselves familiar. Let us therefore take the British Constitution and subject it to critical examination. This might be undertaken under such headings as the following:—

### **1 *Representative Government***

Would it be practicable for everyone in the country to take a direct share in law-making and in the business of government? If not, is it possible for the body of citizens to have a say in how they are governed?

### **2 *Constitution***

Why is it that we have no written Constitution when all other democracies have one? (page 8). Does it matter? Are we content to leave unlimited powers in the hands of Parliament? Ought certain fundamental rights to be absolutely guaranteed in writing as they are in America? (page 10). On what in the last resort does maintenance of these rights depend? (page 10).

### **3 *Parliament***

What does the British parliament consist of? Is the House of Commons fairly representative of the electorate? At what age should people be entitled to vote? Is our electoral system a good one? What are the alternatives? (pages 20-25). What are the advantages and disadvantages of Proportional Representation? (pages 24-25). How long should the House of Commons be elected for? Would it be better to have a fixed term instead of the present system whereby it can be dissolved at any time the Government wishes? What about the House of Lords? (page 44). How does it compare with second chambers in other countries? (pages 42-45). Is it necessary to have a second chamber at all? (page 45). What can be said in favour of the present system? (pages 44-45).

### **4 *Political Parties***

Why is it necessary to have parties? On what basis are they organized in this and other countries? (pages 18-19). Should there be any limit to the number of parties? (pages 24-25).

Why is it that in Britain we have only two main parties, whereas in some other countries there are a large number ? (pages 18-25). What are the advantages of the two-party system ? (page 25 and pages 41-42).

## **5    *Government***

What do we mean by the " British Government " ? Who carries out the day-to-day administration of the country ? (pages 26-32). Does Parliament retain adequate control over the Government ? To whom is the Government responsible ? (page 30). How does the American presidential system differ from our Cabinet system ? (pages 27-30).

## **6    *Officials***

What is meant by " bureaucracy " ? (page 35). How are officials appointed in this country ? (pages 37-38). What do they do ? (page 37). What is the relationship between officials and Ministers ? (pages 36-37). Would it be possible to do without the Civil Service ? (pages 35-40).

This list can be extended as required to cover further topics, such as regional control (pages 11-17), the position of judges (pages 33-34), delegated legislation (pages 31-32), or the system of Parliamentary Committees (pages 45-46). Nothing would be gained by attempting to lay down here how much ground could be covered in each session, as that must depend upon the knowledge and interests of the group. Some groups may have already studied the British system of government, and they will probably prefer to concentrate on comparing our institutions with those of other countries. Another possible approach would be for the group to turn itself into a Constituent Assembly charged with the task of preparing a new Constitution either for Britain or for an imaginary country, the characteristics of which would have to be decided beforehand or possibly taken from some novel. There is an obvious danger in a venture of this kind, for political institutions cannot be considered in the abstract, and a Constitution which will work in one country may be entirely unsuited to another (page 41). None the less, if this warning is borne in mind, it should be possible by such means to discuss many of the problems raised in this Handbook in a lively and amusing way.

